

## Oppenheimer Wiretapping Is Disclosed

First of two articles

By Stuart H. Loory

Chicago Sun-Times

The former Atomic Energy Commission lawyer who in 1953 drew the security-risk charges against the late J. Robert Oppenheimer, father of the atomic bomb, says the FBI wiretapped and bugged conversations between the physicist and his lawyers.

The disclosure by Harold P. Green, a law professor at George Washington University, amounts to an accusation that the FBI willfully and illegally violated the sanctity of the lawyer-client privilege, one of the bulwarks of the American legal system, and put Oppenheimer at a serious disadvantage in his attempt to defend himself against charges that he was disloyal to the nation and a security risk.

During World War II, Oppenheimer was director of the Los Alamos, N.M., secret laboratory, where the first atomic bombs were designed and built under the Army's Manhattan Project. After the war he served as chairman of the AEC's important General Advisory Committee as an appointee of President Truman.

Despite Oppenheimer's service to the country, President Eisenhower, on Dec. 3, 1953, ordered a "blank wall" between the physicist and all the nation's nuclear-weapon secrets out of fear that he was disloyal to the country. Green wrote the charges later to justify that action.

It was previously known that Oppenheimer was the subject of wiretaps, bugs, tails and mail covers from the time he joined the Manhattan Project until his clearance was lifted.

Green's disclosures to the Chicago Sun-Times, however,

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# Oppenheimer Wiretap

OPPENHEIMER, From A1 are the first details of how this surveillance continued into the period when his security clearance was lifted and nuclear secrets were denied to him.

The new information came to light on the eve of a reopening of the Oppenheimer case by historians. Jack M. Holl, an associate historian for the Energy Research and Development Administration (successor to the AEC) is to present a paper today titled "In the Matter of J. Robert Oppenheimer: Origins of the Government Security Case" at the annual meeting of the American Historical Association in Atlanta. Green

will be one of those discussing the papers.

In December, 1953, Green produced a 3,400-word statement against Oppenheimer saying that data in the AEC files "raise questions as to your veracity, conduct and even your loyalty" and informing him that, "to protect the common defense and security," his clearance had been suspended.

Oppenheimer was summoned from his home in Princeton, N.J., where he was director of the Institute for Advanced Study, to meet with Adm. Lewis L. Strauss, chairman of the AEC, and Kenneth D. Nichols, the

AEC's general manager, on Dec. 21. At the meeting, Strauss handed Oppenheimer a draft of the charges and informed him of his right to a hearing.

The physicist apparently had some inkling of the reason for the meeting. Those were times when the loyalty and security of many American government officials, teachers, scientists and even clergymen were suspect. Oppenheimer's pre-Manhattan Project associations with Communists and Communist-backed causes was no secret.

So after he received the summons to the meeting, he phoned from Princeton to Joseph Volpe and Herbert S. Marks, both former general counsels of the AEC, his friends and private lawyers, to say he would visit them after the meeting.

Assuming that the FBI had taps on Oppenheimer's Princeton phone, Volpe said in a telephone interview last week, agents would have known the physicist planned the visits and had time to put bugs in the lawyers' office.

After the session with Strauss and Nichols, Oppenheimer went first to Volpe's office at 1701 K St. NW.

"Robert was an old friend of mine," Volpe recalled. "I had known from my AEC days that even as a presidential appointee he was under FBI surveillance, that his phones were tapped, and I always thought that shameful."

"He asked me to represent him. I said I could not because I had been general counsel at the time of the alleged offenses and I would have a conflict. I advised him to get a good criminal lawyer."

Volpe said he subsequently learned from a lawyer-friend at the AEC that the commission had received a report of that conversation. Green said he had seen a memo to the AEC from J. Edgar Hoover, then FBI director,

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reporting the substance of that conversation.

A book published in 1959, "The Oppenheimer Case: Security on Trial," by Philip M. Stern, says without attribution that a government-planted bug was present in Volpe's office that day. Green was a partial collaborator on the book. The passage attracted little notice at the time.

"I didn't tell the AEC what was said," Volpe said. "Robert didn't tell them. They only could have known from a bug. I was mad as hell that they should violate the lawyer-client relationship. But I knew I could get no satisfaction from the Eisenhower administration."

"Later I complained to Robert Kennedy after he became Attorney General. He said he would look into it, and then he told me if my office had been bugged, it was not by the FBI. I think they lied to him or that he did not investigate carefully."

Green said that after the meeting Oppenheimer went to visit Marks and that the FBI memos reported the substance of that conversation, indicating that Marks' quarters must have been bugged as well.

Marks, who did join the defense team, died several years ago. Others who have had access to the Hoover memos on FBI surveillance say that the reports of those two meetings do not include quotations of conversations between Oppenheimer and his lawyers but that others in the series do.

Apprised of this, Volpe speculated that perhaps the AEC had placed the bugs. He is firm in his recollection that AEC staff members repeated the substance of the Dec. 21 conversation to him.

The surveillance continued throughout the Personnel Security Board hearings, April 12 to May 6, 1954, on the Oppenheimer matter. Hoover provided Strauss with almost



J. ROBERT OPPENHEIMER  
... "blank wall" target

daily reports on Oppenheimer's activities and conversations.

By then, Oppenheimer had retained Lloyd K. Garrison, Samuel J. Silverman and Allen B. Ecker of the New York firm of Paul, Weiss, Rifkind, Wharton & Garrison to represent him, along with Marks.

Garrison and Silverman recall being warned about bugs and wiretaps, but they say they did not take much precaution against them. "We were very naive," recalled Silverman, now a New York state judge.

They did not, however, use the telephone much in discussing the case. Oppenheimer and his wife stayed at the Georgetown home of Randolph S. Paul, the senior partner of the firm. Garrison stayed at the home of a relative nearby.

All the important meetings between Oppenheimer and the lawyers on the hearings were held in the Paul home, Garrison said. Yet the AEC files contain reports of conversations between Oppenheimer and the lawyers, indicating that the Paul home was bugged.

Green said that though he had never seen Hoover's surveillance memos from the hearing period, he had been told by reliable sources who had seen them that they existed and reported lawyer-client conversations.

An FBI spokesman said the bureau had no comment on the new information.

Next: *Bad Trip on a Train*